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Town, DeLuca reach settlement

Chief to get severance; Chubb named interim chief; closed-door meeting broadcast live

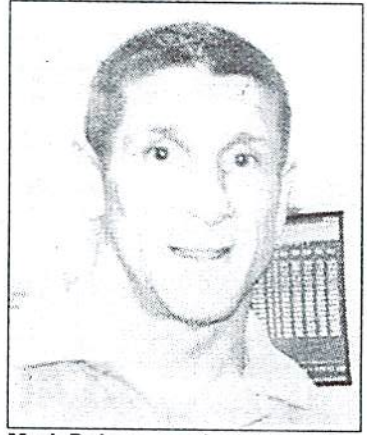
By SUSANNA SHEEHAN
& JUSTIN GRAEBER, CLIPPER STAFF

Mark DeLuca reached a tentative contract settlement with the Board of Selectmen Monday, ending his ten-year tenure as Duxbury police chief.

Lt. Lewis "Chip" Chubb was appointed interim police chief on Tuesday.

The buyout was original reported as \$240,000, but according to Town Counsel Robert Troy the final figure will be lower.

The agreement was reached during a two-hour-plus closed door selectmen's meeting Monday night, which at one point was adjourned and moved to a different building after selectmen learned their private conversations were in-



Mark DeLuca reached a tentative settlement with the town Monday night.

advertently broadcast on the cable access channel.

Troy said that the final settlement is still being hammered out, but should be finalized by the end of the week.

He could not go into specifics on Tuesday, but said the



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final severance figure will be based on a formula encompassing a number of things, including the chief's ten years of service and a series of releases and waivers he will be required to execute. His unused vacation time will also

be factored in, according to his contract.

Even before selectmen shut the doors for their executive session around 7 p.m., the discord among board members was apparent.

With a crowd gathering outside the Mural Room at Duxbury Town Hall, selectmen initially announced the open portion of the meeting was cancelled and then debated whether or not to go into

executive session.

Selectman Christopher Donato was critical of the process, saying, "This is just more of the same. I am sick of running from this issue."

Donato was also critical of Town Manager Richard MacDonald and said DeLuca was not the only town employee to be "mistreated."

He was cut off by Select-

continued on page 12

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- Selectman Betsy Sullivan



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- Selectman Chris Donato



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Chief to get severance package; Chubb named interim

continued from page one

nen Chairwoman Betsy Sullivan, who warned that he was "getting into dangerous territory."

"I think you're demonstrating why we need to cancel the meeting," she said. "You seem to be pretty exercised about this."

Donato shot back that DeLuca's livelihood was at stake. "You're talking about someone's life," he said. "People get exercised when you're talking about someone's career and dragging them through the mud."

Troy said there had been misunderstanding because he had recommended the selectmen cancel their executive session and not the entire meeting. Troy suggested that selectmen postpone the executive session, but board members went forward anyway. Selectman Jon Witten said if the meeting was postponed he would be unavailable due to scheduling conflicts.

Following a brief debate, selectmen voted to go into executive session and were joined by DeLuca and his attorney, Gerard McAuliffe.

The audio portion of the hearing conversation was broadcast on Channel 15 for approximately 20 minutes until board members were alerted and moved to the old town hall.

During the executive session board members were heard to discuss a potential severance package for DeLuca of \$240,000. Witten questioned if the amount was a good use of taxpayer money and if the situation was really at the point of no return.

"I want to know whether his contract situation can't be fixed," he said.

MacDonald said he would not comment further on the matter, and Troy said he recommended the board take action.

"I think ... sometimes everyone needs to move on," Troy said.

Also discussed later during the executive session were cryptic references to unspecified allegations against DeLuca.

Donato said Tuesday he learned over the weekend that "statements were made under oath" regarding allegations against DeLuca. However, he said he was not privy to any of the specifics. He did say, however, that as part of the settlement those allegations "would disappear."

During the open session of the meeting, Troy said that "Because of today's events it might be a good idea to cancel the meeting ... simply for the advantages of time." He did not at the time elaborate as to what those events might be.

During the broadcast portion of the executive session, Troy elaborated.

"People have made statements that quite frankly, impose on the municipality a duty to investigate whether those statements are affirmed or not affirmed," he said. "That has to be ferreted out and that's

going to be a lengthy period of time."

After the meeting, Troy declined to comment publicly, saying that he was not involved in any statements and was merely referring to them as a procedural matter. Board of Selectmen Chairwoman Betsy Sullivan also declined to comment on this issue. Witten referred all questions to Troy.

Troy said that pending the finalizing of the agreement, the matter is closed.

"The board took a vote and we have successfully resolved all of the issues that relate to the police chief's contract and to the town's declination to renew the contract," he said after Monday's meeting. "The police chief and the town have agreed to resolve all the issues relating to that, and part of it is that the police chief has agreed to acquiesce to the town manager's decision not to renew the contract. The matter is now closed."

Per his contract, DeLuca is entitled to payment on a per diem for all accrued but unused vacation leave, calculated as of the date of retirement or resignation and paid within 30 days thereafter. DeLuca has worked for the town for 10 years.

"We're talking about a significant number, regardless of what we negotiated last night," Troy said on Tuesday.

DeLuca's contract was not negotiated by Troy, but by the town's labor attorney Fred DuPere.

Sullivan said she could not legally comment on the discussion during the closed-door session because it must remain confidential. However, she was glad the issue had been resolved.

"We've come to a mutual agreement," said Sullivan. "The chief has decided to move on to pursue other opportunities and we wish him well."

"I'm happy that this has reached a conclusion," Sullivan added. "The most upsetting part to me is the fact that we seemed to have abandoned our practice of problem solving and it became whoever has the loudest voice wins. That is not how we solve problems and do business. We've always been proud of the fact that we can disagree without being disagreeable. I'm thrilled it's behind us and I hope we can work on repairing that relationship and return to how we do business."

Donato said that while he voted for the settlement with the chief, he did not feel it was a satisfactory outcome.

"I don't think it's been satisfactorily resolved," Donato said. "I voted in favor of working out an agreement because I didn't have the votes to remove the town manager, because that was the only alternative I saw to keeping the chief."

Donato said that during the executive session, he made a motion to fire MacDonald.

"We're talking about removing the wrong person," said Donato. "There was no just cause established for removing the chief, but, in my eyes, there is just cause to remove the town manager. I did not have the support of the other two selectmen."

Donato added that he is upset the town says it doesn't have the money to fund retroactive raises for unions with which it is negotiating, however, it can find the money for the agreement with the chief.

Troy praised the board for coming together on the agreement, noting the vote was unanimous.

"I give the selectmen a great deal of credit for coming together. We had a seemingly intractable situation ... The issue had to be dealt with."